

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

ELMER LUCAS, et. al. ,

Plaintiffs,

v.

Case No. 4:10-CV-00582 DGK

JERUSALEM CAFE, LLC

FARID AZZEH

ADEL ALAZZEH

Defendants.

PLAINTIFFS' MOTION TO STRIKE CERTAIN AFFIRMATIVE DEFENSES

Plaintiffs move, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure for an Order striking affirmative defenses two, four, five, and seven of Defendants' answer. In support of her Motion, Plaintiff states as follows:

1. This is an action for recovery of unpaid overtime and minimum wage violations under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 *et. seq.*
2. Plaintiffs filed their amended complaint with this Court on July 30, 2010.
3. Defendants answered on September 17, 2010.
4. This Motion is timely filed pursuant to Rule 12(f).
5. Plaintiffs' memorandum in support of their Motion is attached to this document.

Respectfully submitted,

/s/ Heather J. Schlozman

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CERTIFICATE OF SERVICE

On September 24, 2010, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system, which sent notification of such filing to the following:

Tarak Alexander Devkota
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Kansas City, MO 64111

ATTORNEY FOR DEFENDANTS JERUSALEM CAFÉ, FARRID AZZEH, AND ADEL ALAZZEH

/s/ Heather J. Schlozman